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**IN THE  
COURT OF APPEALS OF INDIANA**

MICAH TIPTON,

Appellant-Defendant,

VS.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A02-0609-CR-740

APPEAL FROM THE MARION SUPERIOR COURT

The Honorable Clark Rogers, Judge  
Cause No. 49G16-0604-CM-70829

**May 1, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**DARDEN, Judge**

## STATEMENT OF THE CASE

Micah Tipton (“Tipton”) appeals his conviction after a bench trial for criminal recklessness as a class A misdemeanor.

We affirm.

## ISSUE

Whether sufficient evidence exists to support Tipton’s conviction.

## FACTS

Tipton and Arika Bell (“Bell”) have a son together, and at the time of the underlying incident, they were parties in a pending child support action. On April 13, 2006, Bell was walking in the parking lot behind her home when an unfamiliar early-model, green Monte Carlo slowed down near her, and “[she] saw a tinted window roll down.” Tr. 5. Bell recognized Tipton as the driver. Tipton inquired about their son, but Bell ignored him and continued walking. Tipton became annoyed and asked, “[Y]ou don’t hear me talking to you?” *Id.* at 6. Bell responded, “[N]o, I don’t. And you’re not going to hit me with your car.” *Id.* Tipton then “called [Bell] out of her name,”<sup>1</sup> and as she walked past the car, the vehicle jumped the curb and “touched [her] right back leg” and “[she] fell back on the hood.” *Id.* Uninjured, Bell stood up and walked toward her home. Tipton reportedly “stopped and he immediately backed-up and he kept going.” *Id.* at 7. Later that day, Bell alerted the authorities and also filled out an incident report with the Marion County Prosecutor’s Office.

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<sup>1</sup> Tipton referred to Bell using a vulgar term.

On April 28, 2006, Tipton was charged with criminal recklessness<sup>2</sup> as a class A misdemeanor. Tipton testified on his own behalf at his trial on August 7, 2006, and claimed that he did not have any contact with Bell on April 13, 2006. On direct examination, Tipton denied owning a green Monte Carlo; but he admitted that he had driven such a car on a different occasion. He testified that he did not currently know anyone who owned a green Monte Carlo; however, under cross-examination, Tipton admitted that his sister owned a green Monte Carlo on the date of the alleged incident.

After a trial before the bench, Tipton was found guilty of criminal recklessness as a class A misdemeanor. The trial court imposed a three hundred and sixty-five day sentence with three hundred and fifty-one days suspended, and awarded fourteen days of credit time. The trial court suspended Tipton's sentence to probation, issued a no-contact order as to Bell, and ordered Tipton to complete twenty-six weeks of domestic violence counseling, from which judgment Tipton now appeals.

### DECISION

In support of his claim that insufficient evidence exists to support his conviction, Tipton argues that the State “failed to prove that he recklessly struck Bell with his vehicle.”<sup>3</sup> Tipton's Br. 4. We disagree.

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<sup>2</sup> Ind. Code § 35-42-2-2.

<sup>3</sup> In addition, Tipton challenges the veracity of Bell's allegations, suggesting that she was attempting to influence the outcome of the parties' ongoing paternity and child support proceedings through her “suspect and self-serving” testimony. Tipton's Br. 6. He also claims, “there is reasonable doubt about [whether he] was even at the scene.” *Id.* Our standard of review precludes us from judging the credibility of witnesses or reweighing the evidence. *Abney v. State*, 858 N.E.2d 226, 228 (Ind. Ct. App. 2006). Thus, we cannot, as Tipton requests, revisit Bell's credibility as a witness or reweigh the evidence purporting to place Tipton at the scene of the incident.

Our standard of review for a sufficiency of the evidence claim is well settled. In reviewing such a claim, we will affirm the conviction unless, considering only the evidence and all reasonable inferences favorable to the judgment, and neither reweighing the evidence nor judging the credibility of the witnesses, we conclude that no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Abney v. State*, 858 N.E.2d 226, 228 (Ind. Ct. App. 2006). “A mere reasonable inference from the evidence supporting a verdict is enough for us to find evidence to be sufficient.” *Buckner v. State*, 857 N.E.2d 1011, 1017 (Ind. Ct. App. 2006). Furthermore, the uncorroborated testimony of a victim is generally sufficient to sustain a criminal conviction. *Id.*

In order to obtain a conviction on the offense of criminal recklessness involving a motor vehicle, the State was required to prove beyond a reasonable doubt that Tipton recklessly, knowingly or intentionally performed an act that created a substantial risk of bodily injury to Bell, and that said act involved the use of a vehicle. Ind. Code § 35-42-2-2(b)(1); (c)(1).

Bell testified that she recognized Tipton, the father of her son, as the driver of an unfamiliar green Monte Carlo. The two were engaged in pending child support litigation. Bell testified that Tipton became annoyed when Bell ignored his questions. When he continued to follow her in the vehicle, she stated, “[Y]ou’re not going to hit me with your

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Additionally, Tipton argues that the evidence is insufficient to support his conviction because “Ms. Bell did not claim to have had any pain or injury as a result of the alleged encounter.” *Id.* at 4. Tipton was charged under Indiana Code section 35-42-2-2(b)(1), which requires no showing of actual injury, but instead, requires proof that the defendant’s conduct created a “substantial risk of bodily injury to the victim.” Thus, we decline to address this claim further.

car.” Tr. 6. Then, the Monte Carlo jumped the curb and struck Bell’s right leg, causing her to fall backwards onto its hood.

We have previously held that a person engages in conduct recklessly “if he engages in conduct in plain, conscious, and unjustifiable disregard of harm that might result and the disregard involves a substantial deviation from acceptable standards of conduct.” *Clancy v. State*, 829 N.E.2d 203, 207 (Ind. Ct. App. 2005). Certainly, jumping a curb with one’s vehicle and striking a pedestrian constitutes reckless conduct that deviates substantially from socially acceptable norms. In addition, striking a pedestrian with a vehicle undoubtedly creates a substantial risk of bodily injury to said pedestrian.

We have considered the evidence and all reasonable inferences favorable to the judgment. *Abney*, 858 N.E.2d at 228. Given Bell’s testimony that she recognized Tipton as her assailant, given her personal history with and intimate knowledge of Tipton, and given Tipton’s reluctant admission that he had access to a green Monte Carlo on the date of this incident, a reasonable fact-finder could find the elements of the crime to be proven beyond a reasonable doubt. We find that sufficient evidence exists to support Tipton’s conviction for criminal recklessness involving a vehicle because he recklessly, knowingly or intentionally struck Bell with a vehicle, and thereby created a substantial risk of bodily injury to her person.

Affirmed.

BAKER, C.J., and ROBB, J., concur.